

**7:40 – Interview with new Appointee.**

**CITY OF LEOMINSTER**

**CITY COUNCIL**

**SEPTEMBER 11, 2006**

**HEARING BEFORE THE CITY COUNCIL, 6:55 P.M.**

Relative to amending Chapter 22 of the Revised Ordinances Article XV, “In-Law Apartments,” Section 22-114, “Existing Accessory Dwelling Units,” to allow any accessory dwelling unit existing in a single-family residence on the effective date of this article, continue in use, although not originally authorized under the Zoning Ordinance, provided that the record owner of the residence provides a notarized letter as prescribed in Section 22-112 of this article. A pre-existing accessory dwelling unit shall be considered grand-fathered provided that the In-Law unit was constructed with a building permit or is recognized by the Assessor’s Office as being an approved In-Law unit. (Legal Affairs – Petition # C-145)

**HEARING BEFORE THE CITY COUNCIL, 7:10 P.M.**

12-07            National Grid and Verizon New England, Inc.: Nelson Street: Install one jointly owned pole on Nelson Street beginning at a point approximately 168 feet west of the centerline of the intersection of North Main Street. (Public Service)

**HEARING BEFORE THE CITY COUNCIL, 7:15 P.M.**

98-06            Joel H. Baker, Baker Cadillac: Grant a Special Permit to expand the current Baker Cadillac dealership with a second Suzuki dealership on an adjacent lot, located at 34 Mead Street as shown on Assessors Map 266, lot 6, located in a Industrial zone within the flood plain. (Legal Affairs)

**PUBLIC FORUM, 7:45 P.M.**

**REGULAR MEETING OF THE CITY COUNCIL, 8:00 P.M.**

**ROLL CALL**

**COMMUNICATIONS**

- C-12 Dean J. Mazzaella, Mayor: Relative to the appropriation of \$1,300,000.00 to pay additional costs of constructing, originally equipping and furnishing a new Library and for the payment of all other costs incidental and related thereto, and that to raise this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Sections 7 and 8 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefore. (Finance)
- C-13 Relative to the appropriation of \$800.00 to the Veteran's Services Salary & Wages Account; same to be transferred from the Emergency Reserve Account. (Finance)
- C-14 Relative to the appropriation of \$25,000.00 to the Highway Overtime Account; same to be transferred from the Emergency Reserve Account. (Finance)

**PETITIONS**

- 18-07 Richard Shepard, Shepard's Express, Inc.: Grant a sewer easement, over land owned by the City of Leominster for the installation and maintenance of a sewer connection to be utilized by the existing building located at 207 Mill Street. (Public Service)
- 19-07 James S. Whitney: Accept and implement the provisions of the newly enacted Massachusetts General Laws, Chapter 43D in its entirety. (Legal Affairs)
- 20-07 Uno's Restaurant, LLC: Grant permission to erect a trailblazing sign on Merriam Avenue just off the Route 2 exit ramp in the same location as the Outback sign. (City Property)

**APPOINTMENTS**

Election Officers 2006-2007 – Lisa Holley, Victoria Lanides, Linda Novelli, Joanne Petricca, Carol VivoAmore, Cynthia Zelis, Louise DiPalma, Andrea Freeman, James Pomeroy, Phyllis Johnson, Jean L. Trott, Mona Blanchard, Susan A. Cataldo

## **MATTERS BEFORE THE CITY COUNCIL**

### **APPOINTMENTS**

Disability Commission – Therese Thelin – term to expire April 15, 2009

Election Officers 2006-2007 – Jeanne Jekanowski, Barbara Lanza, Rosalie LaManna, Janet Flanagan, Magella Jackson, John Jackson

### **FINANCE**

- C-7      Dean J. Mazzearella, Mayor: Request the authority to borrow, if necessary, up to \$950,000.00 for the purchase for open space and water supply protection purposes, 50+/- acres of land owned now or formerly by the Norman A. Nutting (Map 512, Lot 3 and Map 362, Lots 15 & 16) as shown on a plan of land to be recorded with the Worcester North Registry of Deeds; said property shall be dedicated in perpetuity to purposes stated in Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts including the protection of water resources and shall be fully protected by all provisions of Article 97. Furthermore, this property shall be open to the general public for appropriate outdoor/recreational use while consistent with 310 CMR 22.00; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow, if necessary, up to \$950,000.00, the receipt of any state and charitable grants and donations associated with this project will be deposited into the appropriate account; and that the Mayor is authorized to take any other action necessary to carry out these projects.
- C-9      Relative to the appropriation of \$135,200.00 to the Street Resurfacing Expense Account; same to be transferred from the Highway State Aid Reserved for Appropriation Account.
- C-10     Relative to the appropriation of \$762.00 to the Telephone Expense Account: same to be transferred from the Emergency Reserve Account.
- C-11     Relative to the appropriation of \$8,200.00 to the Sanitation and Drainage Account: same to be transferred from the Emergency Reserve Account.

## **MATTERS BEFORE THE CITY COUNCIL, continued**

### **PUBLIC SERVICE**

- 12-07      National Grid and Verizon New England, Inc.: Nelson Street: Install one jointly owned pole on Nelson Street beginning at a point approximately 168 feet west of the centerline of the intersection of North Main Street.

### **LEGAL AFFAIRS**

- 15-07      Daniel J. McCarty, Agent for 89 Commercial Road LLC: Grant a Special Permit to demolish the existing 33,264 square foot building and construct a new 20,300 square foot building at 89 Commercial Road as shown on Assessor's Map 567 as lot 14 located in the Commercial Zone within the flood plain. (A hearing scheduled for September 25, 2006 at 7:00 P.M.)
- 16-07      Robert Salvatelli and Maribel Fournier: Amend Section 16-13 of the Revised ordinances entitled "Method of Step Advances" to add a new section which will allow employees whose current jobs are classified in the "S" classification plan, who are promoted or transfer to another "S" classification job in any given year, to advance to the next scheduled step-rate for their new "S" classification position the following July 1<sup>st</sup> regardless of whether the employee has been in said new position for twelve months or less.
- 17-07      Claire Freda: Adopt Chapter 39, Section 23D of the Massachusetts General Laws as amended to help municipal boards avoid quorum problems by allowing board member of the Conservation Commission, Zoning Board of Appeals, Planning Board and Board of Health, who have missed one hearing, to catch up and rejoin the voting quorum by reading and listening to the record of the missed meeting.

### **CITY PROPERTY & COMMITTEE ON SCHOOLS**

- 14-07      Richard M. Marchand: Request that the Mayor enter into negotiations and purchase the Julie Country Day School.

## **OLD BUSINESS**

2<sup>nd</sup> Reading Ordinance – amend Chapter 22 of the Revised Ordinances Article XV, “In-Law Apartments,” Section 22-114, “Existing Accessory Dwelling Units,” to allow any accessory dwelling unit existing in a single-family residence on the effective date of this article, continue in use, although not originally authorized under the Zoning Ordinance, provided that the record owner of the residence provides a notarized letter as prescribed in Section 22-112 of this article. A pre-existing accessory dwelling unit shall be considered grand-fathered provided that the In-Law unit was constructed with a building permit or is recognized by the Assessor’s Office as being an approved In-Law unit. (Legal Affairs – Petition # C-145)

Reconsideration of the Vote taken on August 28, 2006 to adopt the 2<sup>nd</sup> Reading of the Ordinance amending Chapter 22 of the Revised Ordinances, Article I, “General Regulations,” Section 22-12, “Nonconforming Uses, Structures and Lots,” by deleting Sections 12.3.1 – 12.3.2.3 in their entirety and inserting sections 12.3.1 through 12.3.7 regarding changing, extending or altering a Pre-existing Nonconforming Structure or Use; or a Conforming Use on a Pre-existing Nonconforming Lot or in a Pre-existing Nonconforming Structure. (Legal Affairs – Petition # C-146)

## **NEW BUSINESS**

1<sup>st</sup> Reading Ordinance – amend Chapter 13, Section 13-33 of the Revised Ordinances entitled “Schedule of Parking Fines” to reflect increases in parking violations in Groups A through E and remove “Blocking Wheelchair Ramp” from Group D and add to Group E. (Legal Affairs Petition #10-07)

## **TABLED PETITIONS UPON WHICH ACTION IS PROPOSED**

### **LEGAL AFFAIRS**

98-06            Joel H. Baker, Baker Cadillac: Grant a Special Permit to expand the current Baker Cadillac dealership with a second Suzuki dealership on an adjacent lot, located at 34 Mead Street as shown on Assessors Map 266, lot 6, located in a Industrial zone within the flood plain.

Lynn A. Bouchard  
City Clerk  
September 7, 2006